Page 1 of 2

EXECUTIVE SUMMARY - ENFORCEMENT MATTER DOCKET NO.: 2007-1513-PST-E TCEQ ID: RN101674778 CASE NO.: 34581 RESPONDENT NAME: BHAYANI INVESTMENT, INC. DBA MICKEY'S PIT STOP

ORDER TYPE:		
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
_AMENDED ORDER	EMERGENCY ORDER	·
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	X_PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
TYPE OF OPERATION: convenience sto SMALL BUSINESS: _X Yes OTHER SIGNIFICANT MATTERS: Ther regarding this facility location. INTERESTED PARTIES: No one other that COMMENTS RECEIVED: The Texas Reg CONTACTS AND MAILING LIST: TCEQ Attorney: Ms. Rebecca M. Ms. Lena Rober TCEQ Enforcement Coordinator: TCEQ Regional Contact: Mr. Sam Respondent: Mr. Noman Bhayani, J.		itional pending enforcement actions erest in this matter. No comments were received. 89-6939 9 on, MC 128, (512) 239-6580) 588-5903

RESPONDENT NAME: BHAYANI INVESTMENT, INC. DBA MICKEY'S PIT STOP DOCKET NO.: 2007-1513-PST-E

VIOLATION SUMMARY CHART: VIOLATION INFORMATION PENALTY CONSIDERATIONS CORRECTIVE ACTIONS TAKEN/REOUIRED Corrective Actions Taken: Type of Investigation: Total Assessed: \$3,500 Complaint Total Deferred: \$0 The Executive Director recognizes that the __ Expedited Order Respondent implemented the following X Routine corrective measures at the Facility: Enforcement Follow-up Financial Inability to Pay __ SEP Conditional Offset Records Review 1. Updated the registration form to indicate the Date of Complaint Relating to this Case: current owner/operator information and the Total Paid/Due to General Revenue: None \$510/\$2,990 current type of piping associated with the USTs. Date of Investigation Relating to this Case: The Respondent paid \$510 of the administrative 2. Received a new delivery certificate which July 23, 2007 penalty. The remaining amount of \$2,990 of expires in April 2009. the administrative penalty shall be payable in 23 Date of NOE Relating to this Case: 3. Supplied the missing UST records monthly payments of \$130 each. October 14, 2007 (Certificate of Insurance and Tank Data information) to the Regional Office. **Background Facts:** Site Compliance History Classification: X Average Poor **Technical Requirements:** The EDPRP was filed February 29, 2008. An EDFARP was filed September 10, 2008. A signed Person Compliance History Classification: The Respondent shall undertake the following Agreed Order with initial penalty payment was X Average Poor technical requirement: received March 17, 2009. Major Source: Yes XX No : Yes 1. Immediately, ensure that a legible tag, label Compliance Status: or marking with the tank number is permanently Violation nos. 2 and 3 have been corrected. The Applicable Penalty Policy: September 2002 applied according to the UST registration and Respondent has not yet submitted documentation self-certification form. demonstrating compliance with violation nos. 1 and 4. 2. Within 30 days, submit written certification PST: . to demonstrate compliance with Ordering 1. Failed to have required UST records maintained Provision No. 1. and readily accessible for inspection upon request by agency personnel [30 Tex. ADMIN. CODE § 334.10(b)]. 2. Failed to provide an amended registration for any change or additional information regarding the USTs within 30 days from the date of the occurrence of the change or addition, and failed to renew a previously issued delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date [30 Tex. ADMIN. CODE §§ 334.7(d)(3) and 334.8(c)(5)(B)(ii)]. 3. Failed to make available to a common carrier a valid, current TCEO delivery certificate before accepting delivery of a regulated substance into the USTs [30 Tex. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a)]. 4. Failed to ensure that a legible tag, label, or marking with the tank number is permanently applied upon or affixed to either the top of the fill tube or to a nonremovable point in the immediate area of the fill tube according to the UST registration and self-certification

form [30 Tex. ADMIN. CODE § 334.8(c)(5)(C)].

Policy Revision 2 (Sep	Penalty Calculation	n Worksheet (P	•	n May 25, 2007
	28-Aug-2007 Screening 31-Aug-2007	EPA Due	1	
		top Major/Minor Source	Minor	
	34581 2007-1513-PST-E Petroleum Storage Tank	No. of Violations Order Type Enf. Coordinator EC's Team	1660	
TOTAL BASE PENAL	Penalty Calcula TY (Sum of violation base penaltie		Subtotal 1	\$3,500
ADJUSTMENTS (+/-) Subtotals 2-7 are obtai Compliance Hist	ned by multiplying the Total Base Penalty (Subtotal 1) by		otals 2, 3, & 7	\$0
Notes	No adjustment due to compli	ance history. Enhancement	Subtotal 4	\$0
Culpability Notes	no materialistic	The state of the s	- Subtotar -	
Good Faith Effor Extraordinary Ordinary N/A Notes	Before NOV NOV to EDPRP/Settlement Offer X (mark with x)		Subtotal 5	\$0
Approx.	0%	Enhancement* at the Total EB \$ Amount	Subtotal 6	\$0
	S 1-7 S JUSTICE MAY REQUIRE Jubtotal by the indicated percentage. (Enter number only	; e.g30 for -30%.)	inal Subtotal Adjustment	\$3,500 \$0
Notes			nalty Amount	\$3,500
STATUTORY LIMIT A	ADJUSTMENT	Secretary Street White Code Code	ssed Penalty	\$3,500
DEFERRAL	alty by the indicted percentage. (Enter number only; e.g	0% Reduction	Adjustment	\$0
Notes	Deferral not offered for non-expe	edited settlement		
DASCABLE BELLALES	- Emerical and Manual Professional Confession (Confession Confession Confessi	· 100%的 建铁铁矿 (100%) 100%。	Market Company	\$2.500

Screer	ning Date 31-Aug-2007 Docket No. 2007-1513-PST-E			PCW
. Res	pondent Bhayani Investment, Inc. dba Mickey's Pit Stop	Policy Re	evision 2 (Sep	otember 200
J. 16.	se ID No. 34581	P	CW Revision	May 25, 200
	ence No. RN101674778			
* . ·	[Statute] Petroleum Storage Tank			
Enf. Co	ordinator Wallace Myers			
	Compliance History Worksheet			
liance History	r Site Enhancement (Subtotal 2) Number of E	nter Number Here	Adjust.	M/A/
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%	
	Other written NOVs	0	0%]
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%	
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%	
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%	
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%	
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%]
Emissions	Chronic excessive emissions events (number of events)	0	0%	
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%	
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%	
	Pleas	e Enter Yes or No		7
	Environmental management systems in place for one year or more	No	0%	
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%	
Other	Participation in a voluntary pollution reduction program	No	0%	1
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%	
	Adjustment Pe	ercentage (Su	ıbtotal 2)	0%
at Violator (Su	btotal 3)			ELY.
No	Adjustment Pe	ercentage (Su	ıbtotal 3)	0%
lliance History	Person Classification (Subtotal 7)			S
Average P	erformer Adjustment Pe	ercentage (Su	ıbtotal 7)	0%
oliance History	y Summary			
Compliance				
Compliance				

No adjustment due to compliance history.

Total Adjustment Percentage (Subtotals 2, 3, & 7)

History Notes

	ing Date 31-Aug-2007	4	Oocket No. 200	07-1513-PST-E	PCW
		stment, Inc. dba Mickey's F	Pit Stop		Policy Revision 2 (September 2002)
5,4	se ID No. 34581	_			PCW Revision May 25, 2007
_	ence No. RN101674778				
	[Statute] Petroleum Sto ordinator Wallace Myer				
	n Number 1	o 			
	ule Cite(s)				
K	use Cite(s)	30 Tex. Admi	n. Code § 334.10)(b)	
Violation D		ave the required UST recor n available for the inspection			nake
				Base P	enalty \$10,000
>> Environmental, P	roperty and Human				
	Release Major	Harm Moderate Minor			
· OR	Actual]		
	Potential		Per	rcent 0%	
>>Programmatic Ma	trix				
	alsification Major	Moderate Minor			
	X		Per	rcent 10%	
		· Palati			
Matrix Notes		100% of the rule requiren	nent was not met		
**************************************			* Adju	stment	\$9,000
Section and the second section of the second section of the second section of the second section of the second					\$1,000
•					Ψ1,000
Violation Events		mars.			
Nu	mber of Violation Events	1	39 Nu	mber of violation days	
	daily				
m	monthly ark only one with an x semiannual annual single event	X		Violation Base F	Penalty \$1,000
0	ne single event is recomn	mended based on documer investigati		ation during the July 23	, 2007
Economic Benefit (E	B) for this violation		Sta	atutory Limit Test	
	Estimated EB Amount[\$4	<u> </u>	Violation Final Penalt	y Total \$1,000
	_	This violation	Final Assessed	Penalty (adjusted for	limits) \$1,000
HTMPS: CERTAIN AND AND AND AND AND AND AND AND AND AN		THIS TIGHTON			

Respondent Case ID No.	Bhayani Investn	conomic nent, Inc. dba Mick	Benefit W key's Pit Stop	orks	heet		
Reg. Ent. Reference No.	RN101674778 Petroleum Stora	age Tank				Percent Interest	Years of: Depreciation 15
ltem Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs		A			(g. 1	- 400 graph	1888 - 1885 - 1885 - 1885 - 1885 - 1885 - 1885 - 1885 - 1885 - 1885 - 1885 - 1885 - 1885 - 1885 - 1885 - 1885
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	States n/avenues	\$0
Record Keeping System	\$500	23-Jul-2007	19-Sep-2007	0.2	\$4	A Presinta Substituti	\$4
Training/Sampling				0.0	\$0	With Stin/arthurs	\$0
Remediation/Disposal				0.0	\$0	建制制WIN/a 排制 机	\$0
Permit Costs				0.0	\$0 \$0	Sistemn/awaren	\$0 \$0
Other (as needed)				0.0	ΨΟ	ESSENTIAL III CESSIONIONES	, , , , , , , , , , , , , , , , , , ,
Notes for DELAYED costs	Estimated cost	to maintain UST r				n date and the final	date is the date
			Ui,	complian	ce.		
Avoided Costs	ANN	JALIZE [1] avoid	ed costs before e	ntering it	em (except for	one-time avoided c	osts)
Disposal	a, i		12.4.1	0.0	\$0	\$0	\$0
Personnel			1	0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment			and the land the second	0.0	\$0	\$0	\$O
Financial Assurance [2]			n knjižini.	0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	22.00			0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
							70 m
Notes for AVOIDED costs							
			14.75				
Approx. Cost of Compliance		\$500		<i>y</i>	TOTAL		\$4

Number of Violation Events 1 39 Number of violation days daily monthly quarterly \$1,000 with an x semiannual single event x One single event is recommended based on documentation of the violation during the July 23, 2007 investigation.		
Reg. Ent. Reference No. RN101874778 Media (Statute) Petroleum Storage Tank Enf. Coordinator Wellace Myers Violation Number 2 Rule Cite(s) 30 Tex. Admin. Code §§ 334.7(d)(3) and 334.8(c)(5)(B)(ii) Failed to provide an amended registration for any change or additional information regarding the USTs within 30 days from the tatle of the occurrence of the change or current operator information and the current type of piping associated with the USTs. Also, falled to review a previously issued delivery certificate superior on August 31, 2005. SEnvironmental, Property and Human Health, Matrix Harm Release Major Moderate Minor Release Major Moderate Minor Percent 0% **Programmatic Matrix** Notes 100% of the rule requirement was not met. **Violation Events** Number of Violation Events** Number of Violation Events** Number of Violation Events** Number of Violation Events** **Single event x **Single event x **Single event x **Single event x **One single event is recommended based on documentation of the violation during the July 23, 2007 investigation. Economic Benefit (EB) for this violation Estimated EB Amount 511 Violation Final Penalty Total 51,000		licy Revision 2 (September 2002)
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Rule Cite(s) 30 Tex. Admin. Code §§ 334.7(d)(3) and 334.8(c)(5(8)(0)) Falled to provide an amended registration for any change or additional information regarding the USTs within 30 days from the date of the occurrence of the change or addition. Specifically, the registration information had not been updated to indicate the current operator information and the current type of piping associated with the USTs. Also, failed to renew a previously issued delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date. Specificatly, the delivery certificate expired on August 31, 2005. Sase Penalty		
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Programmatic Matrix	30 Tex. Admin. Code §§ 334.7(d)(3) and 334.8(c)(5)(B)(ii)	
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OR Release Major Moderate Minor Actual Potential Percent 0% >> Programmatic Matrix Falsification Major Moderate Minor	Base Per	alty \$10,000
OR Release Major Moderate Minor Actual Potential Percent 0% >> Programmatic Matrix Falsification Major Moderate Minor	WASHING PARTICLE AND AND TO AND TO A TO	
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One single event is recommended based on documentation of the violation during the July 23, 2007 investigation. Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$11 Violation Final Penalty Total \$1,000	Violation Events Number of Violation Events 1 39 Number of violation days daily monthly mark only one with an x violation Base Per	\$1,000
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I his violation Final Assessed Penalty (adjusted for limits) \$1,000	Number of Violation Events Number of Violation Events 1 39 Number of violation days	\$1,000
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		conomic	Benefit W	orks	sheet		
Responden	t Bhayani Investr	ment, Inc. dba Mic	key's Pit Stop				'
Case ID No	34581						
Reg. Ent. Reference No	RN101674778		•				
	a Petroleum Stor	age Tank				Percent Interest	Years of
Violation No			1			Percent Interest	Depreciation
	i.	(د پاره	1.000000000000000000000000000000000000	1114	1 %	5.0	840V-24
			17 20 4 200 7 40			5.0	11
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	n No.commas or \$, 64 V.A.		gr di			1476
Delayed Costs	Š illing .	. 4.233	4Kn 48050/34/36/3				
Equipment)		0.0	\$0	\$0	\$0
Bulldings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land			··	0.0	\$0	version/andersion	\$0
Record Keeping System				0.0	\$0 .	PANCET NAME AND A	\$0
Training/Sampling				0.0	\$0	in/a //e	\$0
Remediation/Disposal				0.0	\$0	casa a n/amenia	\$0
Permit Costs Other (as needed)	\$100	1-Aug-2005	19-Sep-2007	0.0 2.1	\$0 \$11	Make in/allocation	\$0 \$11
							¥11
Notes for DELAYED costs				ation for		ne date required is 3 he date of complian	0. days prior to
	the	e expiration date o	f the delivery certifi	ation forr cate and	d the final date is t	ne date required is 3	0 days prior to ce.
Notes for DELAYED costs Avoided Costs Disposal	the	e expiration date o	f the delivery certifi	ation forr cate and	d the final date is t	ne date required is 3 he date of complian	0 days prior to ce.
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Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	the	e expiration date o	f the delivery certified costs before each	ntering: 0.0 0.0 0.0 0.0 0.0	the final date is item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ne date required is 3 he date of compliant one-time:avoided:c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	0. days prior to ce. \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	the	e expiration date o	f the delivery certified costs before each	ntering: 0.0 0.0 0.0 0.0 0.0	the final date is item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ne date required is 3 he date of compliant one-time:avoided:c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	0. days prior to ce. \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
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Screening Date	31-Aug-2007	Dock	cet No. 2007-1513-PST-E	PCW
	: Bhayani Investment, In	c. dba Mickey's Pit Stop)	Policy Revision 2 (September 2002)
Case ID No.				PCW Revision May 25, 2007
Reg. Ent. Reference No.				
	Petroleum Storage Tan	k		
Enf. Coordinator				
Violation Number				
Rule Cite(s)	30 Tex. Admin.	Code § 334.8(c)(5)(A)(i) and Tex. Water Code 26.3467	'(a)
Violation Description	before accepting delive	ole to a common carrier ery of a regulated subst ery was accepted witho	a valid, current TCEQ delivery ance into the USTs. Specifically ut a delivery certificate.	certificate /, one fuel
			Bas	se Penalty \$10,000
>> Environmental, Property	and Human Health N	Matrix		
Release	Harm Major Moderat			
OR Actua		ie willor		
Potentia		x	Percent 5%	·
>>Programmatic/Matrix				
Falsification	Major Moderat	te Minor	State and a section of	
			Percent 0%	
			insignificant amounts of polluta or environmental receptors as	
		ine violation.	1	
			Adjustment	\$9,500
·				\$500
Violation Events	1.		The second se	
Number of Vi	plation Events 1		1 Number of violation da	ys
			· .	
: mark only one with an x	daily monthly quarterly semiannual armual single event x		Violation Bas	se Penalty \$500
				
	One	e single event is recomn	nended.	
Economic Benefit (EB) for th	is violation		Statutory Limit/Te	Stagerspeach
Estimate	d EB Amount	\$0	Violation Final Per	naity Total \$500
		This violation Final	Assessed Penalty (adjusted	for limits) \$500
	TENCE CONTRACTOR SERVEROR			

Carl However	E	conomic	Benefit V	Vorks	sheet 🦠		
Respondent		ment, Inc. dba Mic	7 (KA7 4 (K.))		1.17.	36.22 SW 14 15 15	
Case ID No.			,				
leg. Ent. Reference No.							
	Petroleum Stor	ane Tank				\$46560451605062644-\$	Years of
Violation No.		ago ram				Percent Interest	Depreciation
Violation ivo.			MTEMETERS CALLED		755 W	ا جا	•
						5.0	
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$		ricky to the		TOWN.		
Delayed Costs			性的物质的	_		MINESTER (MY)	
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	is the infartance	\$0
Record Keeping System				0.0	\$0	E Internation	\$0
Training/Sampling				0.0	\$0	AND AND INVASOR IN	\$0
Remediation/Disposal				0.0	\$0	n-chargn/autosum	\$0
Permit Costs				0.0	\$0 \$0	Marana n/assarias	\$0 \$0
Other (as needed)		<u> </u>		0.0	μ φυ	New York New York	⊉ ∪
			•				
Notes for DELAYED costs			Economic benefit	ts include	ed in Violation No.	2.	
AND THE PROPERTY OF THE PROPER			<u> </u>				
Avoided Costs	ANN	IUALIZE [1] avoid	ed costs before			one-time avoided c	
Disposal		<u> </u>	***	0.0	\$0	\$0	\$0
Personnel			.1 11 .	0.0	\$0	\$0	\$0
nspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	1.00	0.0	\$0	\$0	\$0
Financial Assurance [2]		1 121.0		0.0	\$0	\$0	\$0 \$0
ONE-TIME avoided costs [3]			3 to 12 to 1	0.0	\$0	\$0 ************************************	
Other (as needed)			Mary Mary Art	0.0	<u> \$0 </u>	"G. 16. \$0"	\$0
		i by	14.				
		1 68	27 F				
Notes for AVOIDED costs							
Notes for AVOIDED costs							
Notes for AVOIDED costs		:	<u> </u>			and the state of t	
Notes for AVOIDED costs Approx. Cost of Compliance		\$0	· · · · · · · · · · · · · · · · · · ·		TOTAL		\$0

Screening Date	31-Aug-2007 Docket No. 2007-1513-PST-E	PCW
Respondent	Bhayani Investment, Inc. dba Mickey's Pit Stop	Policy Revision 2 (September 2002)
Case ID No.		PCW Revision May 25, 2007
Reg. Ent. Reference No.		
91 9 At 1 1 T T T T T T T T T T T T T T T T T	Petroleum Storage Tank	
Enf. Coordinator		
Violation Number		
Rule Cite(s)	30 Tex. Admin. Code § 334.8(c)(5)(C)	
Violation Description	Failed to ensure that a legible tag, label, or marking with the tank number is perma applied upon or affixed to either the top of the fill tube or to a nonremovable point immediate area of the fill tube according to the UST registration and self-certific form.	in the
'	Base P	Penalty \$10,000
>> Environmental, Property a	ind Human Health Matrix	
Release OR Actual	Harm Major Moderate Minor	
Potential	Percent 0%	
>>Programmatic:Matrix Falsification	Major Moderate Minor	
Talsincation	x Percent 10%	
	<u> </u>	
Matrix Notes	100% of the rule requirement was not met.	
	Adjustment	\$9,000
17 () () - од ум 2 () (()) () - од	HERE AND COLUMN SCHOOL AND	
		\$1,000
Violation Events		
Number of Vic	olation Events 1 39 Number of violation days	ucopanale est us.
mark only one with an x	daily monthly quarterly Violation Base P semiannual annual single event x	Penalty \$1,000
One single e	event is recommended based on documentation of the violation during the July 23, investigation.	2007
Economic Benefit (EB) for th	is violation Statutory Limit Test	
PER STANKE VI AND PERSON MET AND	EB Amount \$8 Violation Final Penalty	y Total \$1,000
	This violation Final Assessed Penalty (adjusted for	limits) \$1,000

Maria Caral Caral		conomic		orks	sneet		
Respondent	t Bhayani Invest	ment, inc. dba Micl	key's Pit Stop				
Case ID No	. 34581						
Reg. Ent. Reference No	. RN101674778						
Media	Petroleum Stor	age Tank					Years of
Violation No						Percent Interest	Depreciation
	• ′		1480.4886°			5.0	1
			F11-1 D-4-	V	Interest Saved	Onetime Costs	EB Amount
	Item Cost	Date Required	84.0 m	Yrs	Interest Saved	Unetime Costs	EB Amount
Item Description	No commas or \$	······································				All the second	
Delayed Costs			Nodeca.				
Equipment	<u> </u>	1	7 . 745-27	0.0	\$0	SO 1	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	a de la militaria de la marcia del la marcia della marcia	\$0
Record Keeping System				0.0	\$0	Market n/assassassas	\$0
Training/Sampling				0.0	\$0	Charles in/ample to	\$0
Remediation/Disposal				0.0	\$0	A A SAIN/A A SAIN SAIN SAIN	\$0
Permit Costs				0.0	\$0	for Market Property Co.	\$0
Other (as needed)	\$100	23-Jul-2007	31-Jan-2009	1.5	\$8	地域和城市/area	\$8
	Estimated of	ost to label the US	T fill norts. The da	te requir	ed is the investiga	tion date and the fin	al date is the
Notes for DELAYED costs			estimated	date of	compliance.	tion date and the fin	
			estimated	date of	compliance.	tion date and the fin	
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Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN	IUAUZE [4] avoid	estimated	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	tem (except for \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	s0 \$0 \$0 \$0 \$0 \$0 \$0
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Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANN	IUAUZE [4] avoid	estimated	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	tem (except for \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	s0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANN	IUAUZE [4] avoid	estimated	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	tem (except for \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	so s

Compliance History

Custome	er/Respondent/Owner-Operator:	CN603243942	BHAYAN	II INVESTMENT	, INC.	Classification Default	: Average By	Rating: 3	3.01
Regulate	ed Entity:	RN101674778	MICKEY	"S PIT STOP		Classification Default	: Average By	Site Rati	ing: 3.01
ID Numb	er(s):	PETROLEUM ST REGISTRATION		ANK	REGISTRA	TION	:	29638	
Location:		18567 S INTERS	TATE 35, B	RUCEVILLE, TX	K, 76630	Rating Date:	September 01 07	Repeat V	'iolator: NO
TCEQ R	egion:	REGION 09 - WA	(CO	•					
Date Cor	mpliance History Prepared:	September 18, 20	007						
Agency [Decision Requiring Compliance History:	Enforcement							
Compliar	nce Period:	September 18, 20	007 to Septe	ember 18, 2007					
TCEQ SI	aff Member to Contact for Additional Infor	mation Regarding t	his Complia	ince History					
Name:	Philip DeFrancesco	Ph	one:	(817) 588-5933					
		Site C	omplianc	e History Con	nponents				
1. Has th	e site been in existence and/or operation				Yes	,			
2. Has th	ere been a (known) change in ownership	of the site during th	e complian	ce period?	Yes				
3. If Yes,	who is the current owner?				Bhayani Inve	estment, Inc.	· 		
4. if Yes	, who was/were the prior owner(s)?				Brenda Swir	ney			
5. When	did the change(s) in ownership occur?				05/11/2005				
Compo	nents (Multimedia) for the Site:	•	•						
A.	Final Enforcement Orders, court judgen	nents, and consent	decrees of	the state of Texa	s and the federal	government.			. ; .
	N/A			•				. •	
В.	Any criminal convictions of the state of	Texas and the fede	ral governm	ent.					* *
	N/A ·								
C.	Chronic excessive emissions events.				• •				
	N/A								
D	The approval dates of investigations. (C	CEDS Inv. Track. I	No.)				•		
	N/A								
E.	Written notices of violations (NOV). (CC	EDS Inv. Track. No	o.)						,
F.	Environmental audits. N/A	•							
G.	Type of environmental management sys	stems (EMSs).			•				
	N/A							7	
H.	Voluntary on-site compliance assessme	ent dates.							1
	N/A								
l.	Participation in a voluntary pollution red	uction program.							
	N/A								
J.	Early compliance.								
	N/A								
Sites Ou	tside of Texas		•				/		
	N/A								

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§ .	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
BHAYANI INVESTMENT, INC.	§	
DBA MICKEY'S PIT STOP;	§	
RN101674778	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-1513-PST-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Bhayani Investment, Inc. dba Mickey's Pit Stop ("Bhayani") under the authority of Tex. Water Code chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Bhayani appear before the Commission and together stipulate that:

- 1. Bhayani owns and operates a convenience store with retail sales of gasoline located at 18567 South Interstate 35 in Bruceville, McLennan County, Texas (the "Facility"). Bhayani's six underground storage tanks ("USTs") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission. Bhayani's USTs contain a regulated petroleum substance as defined in the rules of the Commission.
- 2. This Agreed Order is entered into pursuant to Tex. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to Tex. WATER CODE § 5.013 because it alleges violations of Tex. WATER CODE ch. 26 and the TCEQ rules.
- 3. The Commission and Bhayani agree that the Commission has jurisdiction to enter this Agreed Order, and that Bhayani is subject to the Commission's jurisdiction.
- 4. Bhayani received notice of the violations alleged in Section II ("Allegations") on or about October 19, 2007.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Bhayani of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

- 6. An administrative penalty in the amount of three thousand five hundred dollars (\$3,500.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Bhayani has paid five hundred ten dollars (\$510.00) of the administrative penalty. The remaining amount of two thousand nine hundred ninety dollars (\$2,990.00) of the administrative penalty shall be payable in twenty-three monthly payments of one hundred thirty dollars (\$130.00) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If Bhayani fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Bhayani to meet the payment schedule of this Agreed Order constitutes the failure by Bhayani to timely and satisfactorily comply with all of the terms of this Agreed Order.
- 7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and Bhayani have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that Bhayani has implemented the following corrective measures at the Facility in response to this enforcement action:
 - a. updated the registration form to indicate the current owner/operator information and the current type of piping associated with the USTs on September 19, 2007;
 - b. received a new delivery certification which expires in April 2009; and
 - c. supplied Certificate of Insurance and Tank Data information to the Regional Office on August 6, 2007.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Bhayani has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

- 1. During an investigation conducted on July 23, 2007, a TCEQ Waco Regional Office investigator documented that Bhayani violated:
 - a. 30 Tex. ADMIN. CODE § 334.10(b) by failing to have the required UST records maintained and readily accessible for inspection upon request by agency personnel.
 - b. 30 Tex. ADMIN. Code §§ 334.7(d)(3) and 334.8(c)(5)(B)(ii) by failing to provide an amended registration for any change or additional information regarding the USTs within 30 days from the date of the occurrence of the change or addition. Specifically, the registration information had not been updated to indicate the current operator information and the current type of piping associated with the USTs. Also, failed to renew a previously issued delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date. Specifically, the delivery certification expired on August 31, 2005.
 - c. 30 Tex. ADMIN. Code § 334.8(c)(5)(A)(i) and Tex. Water Code § 26.3467(a) by failing to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs. Specifically, one fuel delivery was accepted without a delivery certificate.
 - d. 30 TEX. ADMIN. CODE § 334.8(c)(5)(C) by failing to ensure that a legible tag, label, or marking with the tank number is permanently applied upon or affixed to either the top of the fill tube or to a non-removable point in the immediate area of the fill tube according to the UST registration and self-certification form.

III. DENIALS

Bhayani generally denies each allegation in Section II ("Allegations").

IV. ORDER

1. It is, therefore, ordered by the TCEQ that Bhayani pay an administrative penalty as set forth in Section I, Paragraph Six above. The payment of this administrative penalty and Bhayani's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from considering requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Bhayani Investment, Inc. dba Mickey's Pit Stop; Docket No. 2007-1513-PST-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. Bhayani shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, Bhayani shall ensure that a legible tag, label, or marking with the tank number is permanently applied according to the UST registration and self-certification form.
 - b. Within 30 days after the effective date of this Agreed Order, Bhayani shall submit written certification and detailed supporting documentation, including photographs, receipts, and other records, to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Bhayani shall submit the written certification and copies of documentation necessary to demonstrate compliance with Ordering Provision No. 2.a. to:

Bhayani Investment, Inc. dba Mickey's Pit Stop 2007-1513-PST-E Page 5

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

and

Sam Barrett, Waste Section Manager Texas Commission on Environmental Quality Waco Regional Office 6801 Sanger Ave., Ste. 2500 Waco, Texas 76710

- 3. The provisions of this Agreed Order shall apply to and be binding upon Bhayani. Bhayani is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If Bhayani fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Bhayani 's failure to comply is not a violation of this Agreed Order. Bhayani shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Bhayani shall notify the Executive Director within seven days after Bhayani becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Bhayani shall be made in writing to the Executive Director. Extensions are not effective until Bhayani receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against Bhayani in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be

Bhayani Investment, Inc. dba Mickey's Pit Stop 2007-1513-PST-E Page 6

- transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 8. Under 30 Tex. Admin. Code § 70.10(b) and Tex. Gov't Code § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Bhayani, or three days after the date on which the Commission mails notice of the Order to Bhayani, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Bheyani Investment, Inc. dbs Mickey's Pit Stop 2007-1513-PST-E Page 7

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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,	For the Executive Director

4/14/2009 Date

If the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on the entity's compliance history;
- Greater scrutiny of any permit applications submitted by the entity;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
 - Increased penalties in any future enforcement actions against the entity;
- Automatic referral to the Attorney General's Office of any future enforcement actions against the entity; and

TCEQ seeking other relief as authorized by law.

in addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

17 09

WOMAN BHAYANI

PRESIDENT

Name (Printed or typed)

Authorized representative of

Bhayani Investment, Inc. dba Mickey's Pit Stop

Title